

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FISH BIOPSY DEVICE

the specification of which

(check one)

_____ is attached hereto

☒ was filed on December 2, 2003 as

International Application Serial No. PCT/US2003/001609

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I do not know and do not believe that the invention was ever known or used in the United States of America before my or our invention thereof.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

The invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s) | | | Priority Claimed | |
|------------------------------|---------------------------|---------------------------|-------------------|-------------------|
| (Number) | (Country) | (Day/Month/Year) | Yes | No |
| <u>2002953016</u> | <u>Australia</u> | <u>December 2, 2002</u> | <u>X</u> | <u> </u> |
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| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as best defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| (Application Serial No.) | (Filing Date) | (Status) (granted, pending, abandoned) |
|--------------------------|---------------|---|
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| (Application Serial No.) | (Filing Date) | (Status) (granted, pending, abandoned) |
|--------------------------|---------------|---|
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Anthony P. DeLio, Reg. No. 18,729; Peter W. Peterson, Reg. No. 31,867; Robert Curcio, Reg. No. 44,638; John J. Tomaszewski, Reg. No. 26,241; Kelly M. Reynolds, Reg. No. 47,898; all of DELIO & PETERSON, LLC.

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Inventor's Signature Date

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Full name of third inventor

Inventor's Signature _____ Date _____

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